

Evans Water and Sewer Board

Evans Community Complex
Council Chambers
1100 37th Street, Evans, Colorado

Time and Date: August 19, 2021 @ 3:30 p.m.

1. ROLL CALL

Chairman: Jeff Oyler
Vice-Chairman: Glenn Snyder
Commissioners: Randy Blewer
Brett Bloom
Michael Thuener

Ex-Officio Members:

Mayor: Brian Rudy
City Manager: Jim Becklenberg

City Staff:

Randy Ready, Asst. City Manager
Mark Oberschmidt, City Engineer
Robby, Porsch,
Justine Schoenbacher, Water Conservation Coordinator

2. APPROVAL OF MINUTES

Approval of minutes from 05.20.2021 regular board meeting

3. STAFF UPDATE

Introduction of Leslie Power, New Administrative Specialist
Bret Kelso's resignation, Water Foreman recruitment

4. INDUSTRIAL PRETREATMENT DRAFT ORDINANCE (Robby Porsch and Randy Ready)

****Alternative Motions:**

***I move to recommend to the Evans City Council that the City approve an ordinance to establish an Industrial Wastewater Pretreatment Program, substantially as presented at the August 19, 2021 Water and Sewer Board meeting.*

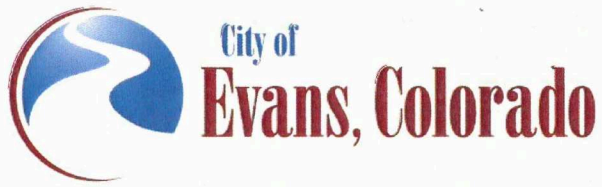
***I move to recommend to the Evans City Council that the City approve an ordinance to establish an Industrial Wastewater Pretreatment Program, with the following recommended changes:_____.*

***I move to recommend to the Evans City Council that the City deny approval of an Industrial Wastewater Pretreatment Program.*

5. PROJECT UPDATES

- a. Tuscany Non-potable Project (Mark Oberschmidt)
- b. Lagoon Decommissioning Project (Mark Oberschmidt)
- c. Kickoff of 35th Street Storm Water Improvements Design (Mark Oberschmidt)
- d. Water Usage Update (Randy Ready)

Staff Contact: Randy Ready, Public Works Director & Assistant City Manager
(970) 475-1160 • rready@evanscolorado.gov

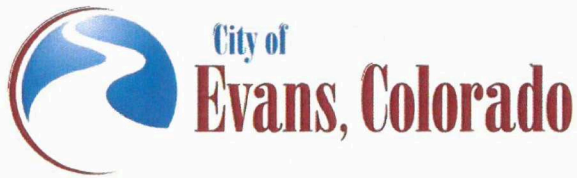


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- e. Upcoming Rate Study Parameters (Randy Ready)
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- 6. UPCOMING**
 - a. Wastewater Rate Study (Sept-Oct)
 - b. Greeley Terry Ranch Water Project Update (September)
 - c. Wastewater Utility Master Plan (starting fall 2021)



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Time and Date: May 20, 2021 @ 3:30 p.m.

1. ROLL CALL – 03:31 pm

Chairman: Jeff Oyler – present
Vice-Chairman: Glenn Snyder – present
Commissioners: Randy Blewer – not present
Brett Bloom – present
Michael Thuener – present

Ex-Officio Members:

Mayor: Brian Rudy – not present
City Manager: Jim Becklenberg – not present

City Staff:

Randy Ready, Public Works Director
Mark Oberschmidt, City Engineer
Rick Pickard, Senior Civil Engineer
Justine Schoenbacher, Water Conservation Coordinator

2. APPROVAL OF MINUTES – 03:31 pm

Approval of minutes from 04.15.2021 regular board meeting

****Motion to approve minutes (Bloom). Second (Snyder). Passes unanimously.**

3. STAFF UPDATE – 03:32 pm

Introduction of Justine Schoenbacher, Water Conservation Coordinator
Randy Ready introduces Justine and the role and projects she will be working on.

4. EQUIVALENT RESIDENTIAL UNITS – 03:36 pm

History and current state of EQRs in Evans (Rick Pickard)

See .pptx for details (attached).

Staff recommendations on pricing and comparison to surrounding jurisdictions.

Purchased for \$21,500, recommending selling at \$22,500 for first price point. Loveland is more like \$24,100.

Staff comment: Cash-in-Lieu often has a convenience surcharge. The applicant doesn't have to do the legwork to figure out where to find water for their project.

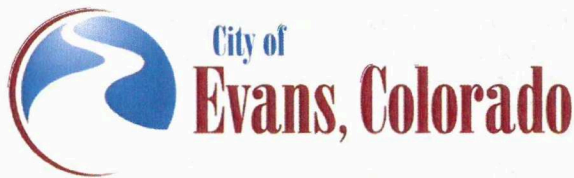
Question: SFD current standard is 1 EQR? Is that one AF?

Answer: 0.65 af.

Question: So each home that is being built that doesn't have non-potable has to provide 1 unit?

Answer: One EQR, which is 0.65 units of CBT.

Question: Developers have to bring that to the City?



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Answer: Yes. Big developers can afford to buy water on the market at CBT rates. One of the reasons we wanted to make this purchase from Hartley is so that the little developers – small commercial, in-fill lots, etc., don't get lost.

Question: EQRs have been used as collateral with a loan at a bank in the past. Sometimes that has made a mess.

Answer: If someone brings us water now, they have to dedicate it to a specific property. That's the current policy. It can no longer be used as a commodity separate from land. But we do have several owners who still own undedicated water.

Question: So these EQRs that the City bought—someone who buys them from us can't turn around and sell them to someone else, correct?

Answer: Correct. It is now attached to the land.

Question: Water that has been dedicated to a piece of property is under the City's control, correct?

Answer: Yes, they are under the City's control. There's transfer paperwork on each sale.

Question: What takes place on the staff side?

Answer: Roughly one hour of staff time, plus a few phone calls to get us to that point.

Question: Are we paying interest on this?

Answer: We purchased it out of the water bank and we promised City Council that we would not lose money on it; we need to break even. We are suggesting a 5% markup.

Question: Can we review this once a year?

Answer: Yes, that's the idea. We would review it when we do the rest of our City fees.

Question: What about the limit of 3 EQRs per transaction?

Answer: In our recent history we've seen that in-fill and small commercial—which is who we want to serve with this—typically runs 3 EQRs or less.

Question: Is there a reason we need to limit the purchases?

Answer: If someone came in and wanted 15 EQRs, that falls into the category of a larger developer. Larger purchases could gobble up this new water balance in 5 years. Then what does the small developer do?

Question: If a variance is requested, would that be handled in-house?

Answer: The City's suggestion would be for Staff to review a request for a variance and bring it to you with a recommendation for Council to decide.

****Motion:** I motion to recommend to the Evans City Council that the City set a 2021 fee for its recently acquired EQRs at \$22,500 each, with yearly review. And that the number of EQRs sold per transaction be limited to three (3) unless otherwise authorized by City Council (Snyder). Second (Bloom). Motion passes unanimously.

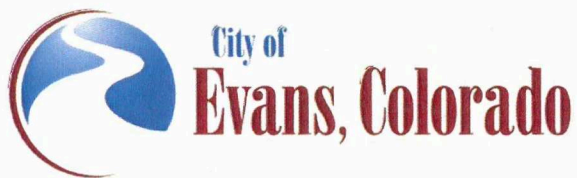
5. PROJECT UPDATES

- a. Tuscany Non-potable Project (Mark Oberschmidt) – **04:09 pm**
Project is moving forward. Pump house up and almost running – will have power on the 28th. Goal is still to meet the June 15 deadline. Ponds are already filling up. Seeding still needs to be happen, and potentially there will be trails on it next year. Currently within budget even with a few changes. Tuscany residents will be receiving a welcome letter from the City explaining how the non-potable system works and how it will be surcharged out to the residents.
- b. Lagoon Decommissioning Project (Mark Oberschmidt) – **04:13 pm**
Had a bid opening on this project this morning. Six bids total ranging from \$2M to \$4.5M. L4 was the apparent low bidder. Waste Management changed their quote numbers for sludge disposal and clean dirt. We will see where those final numbers land as we figure out where we can get those services and supplies.
- c. Industrial Stormwater Master Plan (attachment) (Mark Oberschmidt) – **04:16 pm**
Contract was awarded to Muller Engineering; kick off meeting was this morning. We are looking to improve the infrastructure, pave the roads, and hopefully avoid on-site detention on a regional basis rather than lot-by-lot. Those lots are on the south end of the subdivision, so outfall to the river would be easy. We will be looking at Stonegate also, which hasn't been developed yet. We will be reaching out to those property owners and talk to them about possible impact and the potential need for some kind of owner association. The owners don't want to or don't know how to maintain lot-by-lot detention so it just doesn't get done. We are hoping to have the study done this year so we can work on design.
- d. Water Chapter in the Master Plan (attachment) (Randy Ready) – **04:19 pm**
Recap and update on what has come before this board before. Draft of the water resources chapter is last item in today's packet; City is vetting the draft. Just wanted you to see it again. Community engagement event over at City Park on the east side about the Master Plan elements. Next few chapters are significant. Utilities and Facilities – which feeds into something Mark is working on—how do we get utilities south of the river? We will bring that before you.

Engagement event is 05.27.2021 from 5-8 pm. Please come if you can.

6. UPCOMING

- a. Wastewater Treatment Plant Capacity Improvements (June-July)
Third-party review of our previous design. We are already bumping into our capacity. Council wants to know why our projections were so low going into the planning process. Wright Water Solutions (third-party solutions) is evaluating the



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situations. After that, we will need to discuss how we can upgrade our capacity. We'll be rolling those issues out over the months.

Might have some joint work sessions on some of these reports and issues.

Question: What is the status of St. Michaels' lift station?

Answer: They just got approval today.

Question: What kind of difference will that make?

Answer: About 5% BOD load. This is just in time—they have some large projects coming in that area.

- b. Greeley Terry Ranch Water Project Update (July)
Greeley is involved in a multi-million dollar project to buy the water underneath Terry Ranch. There is some controversy about the water – it has some uranium in it. Evans has no claim to any of that water, but over the years that might change. There's water and storage available underground there.

04:28 pm **Motion to adjourn (Bloom). Second (Snyder). Motion passes unanimously.

Pretreatment Ordinance of the City of Evans

SECTION 1—GENERAL PROVISIONS

1.1 — Purpose and Policy

POTW

This Ordinance sets forth uniform requirements for Industrial Users (“IUs”) of the Publicly Owned Treatment Works (“POTW”) for the City of Evans related to pretreatment. It is intended to enable the POTW to comply with its National Pollutant Discharge Elimination System (“NPDES”) permit from the Colorado Department of Public Health and Environment and EPA, as well as all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of Pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of Pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote and protect the reuse and recycling of wastewater and sludge from the POTW; and
- E. To enable the POTW to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all IUs of the POTW.

Note: This language should be introduced into the language in Chapter 13.25 of the City of Evans Municipal Code. Highlighted sections of this ordinance are for the review of the City to assure it pertains to the City.

1.2 — Administration

Except as otherwise provided herein, the POTW shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the POTW may be delegated to a duly authorized municipality employee.

1.3 — Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand

BMPs – Best Management Practices

CFR – *Code of Federal Regulations*

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

EPA – U.S. Environmental Protection Agency

gpd – gallons per day

IU – Industrial User

mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System

POTW – Publicly Owned Treatment Works

SIU – Significant Industrial User

TSS – Total Suspended Solids

U.S.C. – United States Code

1.4 — Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. *Act or "the Act."* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. *Authorized Representative of the IU.* An "authorized or duly authorized representative" of an IU may be:

1. If the IU is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporations; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. If the IU is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 3. If the IU is a federal, state, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
 4. The individuals described in subparagraphs (1) through (3) of this paragraph, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.
- C. *Biochemical Oxygen Demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- D. *Best Management Practices or BMPs.* Schedules of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b) and subsection 2.1 of this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage or sector control programs to control pollutants from certain non-domestic sectors.
- E. *Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant Discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of IUs and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- F. *Categorical Industrial User or CIU.* Any IUs subject to a Categorical Pretreatment Standard or categorical standard.

- G. *Chemical Oxygen Demand or COD*. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- H. *Control Authority*. The term refers to the:
1. The POTW if the POTW's Pretreatment program has been submitted and approved in accordance with the requirements of §403.11; or
 2. The EPA if the POTW's Pretreatment program has not been approved.
- I. *Environmental Protection Agency or EPA*. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- J. *Indirect Discharge or Discharge*. The introduction of any pollutant into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.
- K. *Industrial User or IU*. A source of indirect discharge.
- L. *Interference*. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
1. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and,
 2. Therefore, is a cause of a violation of the City of Evans NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- M. *Local Limit*. Specific discharge limits developed and enforced by the POTW upon industrial or commercial facilities (IUs) to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and subsection 2.1 of this Ordinance.
- N. *Medical Waste*. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

- O. *Noncontact Cooling Water*. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- P. *Pass Through*. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City of Evans NPDES permit, including an increase in the magnitude or duration of a violation.
- Q. *Person*. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- R. *pH*. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- S. *Pollutant*. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (e.g., pH, temperature, flow, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- T. *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, a discharge of such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable Pretreatment Standard.
- U. *Pretreatment Requirements*. Any substantive or procedural requirement related to pretreatment imposed on an IU, other than a Pretreatment Standard.
- V. *Pretreatment Standards or Standards*. Pretreatment Standards shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits, including BMPs.
- W. *Prohibited Discharge Standards or Prohibited Discharges*. Absolute prohibitions against the discharge of certain Pollutants; these prohibitions appear in subsection 2.1 of this Ordinance.
- X. *Publicly Owned Treatment Works or POTW* means a treatment works as defined by section 212 of the Act (33 U.S.C section 1292), which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as

defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

- Y. *POTW Treatment Plant.* That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- Z. *Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- AA. *Sewage.* Human excrement and gray water (as from showers, dishwashing operations, sinks, bathes, or washing machines).
- BB. *Significant Industrial User or SIU.*: All IUs subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
 - 1. Any other IU that:
 - a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, Noncontact Cooling Water and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
 - c. Is designated as such by the Control Authority on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.8(f)(6)).
- CC. *Slug Load or Slug Discharge.* Any discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge Standards in subsection 2.1 of this Ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Pretreatment Requirements.
- DD. *Storm Water.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- EE. *Total Suspended Solids, Suspended Solids or TSS.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- FF. *Wastewater.* Liquid and water-carried Pollutants from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are conveyed to the POTW.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 — Prohibited Discharge Standards

- A. General Prohibitions. No IU shall introduce or cause to be introduced into the POTW any Pollutant which causes Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph B. of this subsection apply to all IUs of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No IU shall introduce or cause to be introduced into the POTW the following Pollutants:
1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 3. Solid or viscous Pollutants in amounts which will cause obstruction of the flow in the POTW resulting in Interference. Solid or viscous Pollutants shall not be discharged whole or ground by garbage grinders. This includes, but is not limited to ashes, cinders, sand, oil and grease from food service establishments, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, paunch manure, hair and flesh, entrails, and paper dishes, cups, milk containers, etc.;
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;
 5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

Commented [JK1]: Lower upper pH limit than most. Have there been high pH problems at the plant? Some businesses might have problems meeting this

Commented [RP2R1]: This corresponds with the limits previously establish in our code.

Commented [JK3]: Reducing the use of grinders in FSE's are a good practice, but it might be better to state this as a best management practice instead of an ordinance. There are a lot of places that use grinders. Are you ready to enforce that? You could delete this since it as addressed in 18.

Commented [RP4R3]: This relates to the use of grinders to dispose of non-food debris, where line 18 address food grinding specifically.

8. Trucked or hauled Pollutants, except at discharge points designated by the POTW in accordance with Section 9 of this Ordinance;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the POTW Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW Treatment Plant's effluent, thereby violating the City of Evans NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted Wastewater, unless specifically authorized by the City of Evans;
13. Sludges, screenings, or other residues from the Pretreatment of industrial wastes;
14. Wastewater causing, alone or in conjunction with other sources, the POTW Treatment Plant's effluent to fail toxicity tests;
15. Detergents, surface-active agents, or other Pollutants that might cause excessive foaming in the POTW or receiving waters;
16. Fats, oils, or greases of animal or vegetable origin in concentrations which could cause a problem to the collection system or the POTW (e.g., restricted flow in pipes, sewage backups, lift station operation issues, decreased treatment, etc.);
17. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW;
18. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishment or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. However, garbage grinders shall only be used to grind small amounts of garbage incidental to cleaning of plates, cookware, etc. and not to dispose of large quantities of waste. Waste must be scraped into a garbage can prior to cleaning;

Commented [JK5]: See comment in item 3

19. Unusual Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), or Total Suspended Solids (TSS) in quantities as to constitute a significant additional load on the POTW.
20. Wastewater containing Pollutants which are not amenable to transport, treatment or reduction in concentration by the POTW and POTW Treatment Plant processes employed, or are amenable to treatment only to such a degree that the POTW Treatment Plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge of effluent to the receiving waters;
21. Wastewater which, by interaction with other wastewater in the POTW, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition deleterious to structures and treatment processes;
22. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW of more than 5% or any single reading over 10% of the lower explosive limit of the meter.
23. Liquid Wastes from chemical toilets, trailers, campers or other recreational vehicles which have been collected or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the City of Evans to collect such wastes.
24. Pollutants, substances, or Wastewater prohibited by this subsection shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 — National Categorical Pretreatment Standards

Categorical Industrial Users (CIUs) must comply with applicable Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. In order to facilitate notification from the POTW to the Control Authority regarding discharges from CIUs, CIUs shall notify the City of Evans at least 90 days prior to discharge. CIUs also have additional sampling, reporting, and notification requirements to the Control Authority.

2.3 — Site-Specific Limits

The POTW may establish Local Limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the

The City of Evans, such limitations are necessary to implement the provisions of this Chapter, including the Discharge prohibitions in subsection 2.1. These additional limits shall be public noticed prior to implementation by the City of Evans.

2.4 — Best Management Practices (BMPs)

The POTW may develop BMPs to implement the prohibitions of subsection 2.1 of this Chapter. BMPs shall be considered Pretreatment Standards and Local Limits for purposes of this Chapter and section 307(d) of the Act.

The POTW may establish specific sector control programs for Industrial Users to control specific pollutants, as necessary, to meet the objectives of this Chapter. Pollutants subject to these sector control programs will generally be controlled using BMPs or by permits, as determined by the POTW. These sector control programs shall not limit the POTW's authority to inspect, sample, require reports, enforce or otherwise carry out its responsibility under this Chapter.

The specific sector control program BMPs and requirements shall be developed and documented in a policy, which shall be public noticed. Elements of a BMP-based sector control program may include, but are not limited to the following:

1. Installation of appropriately-sized treatment;
2. Requirements for prohibitions on certain practices or discharges;
3. Requirements for the operation and maintenance of treatment equipment; and
4. Procedures for compliance certification, reporting and records retention.

2.5 – Confidential Business Information

All records, reports, data or other information supplied by any person or Industrial User as a result of any disclosure required by this Chapter or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the applicable State law. These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to: processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The Industrial User must demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

Information designated as a trade secret pursuant to this subsection shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the POTW charged with implementing and enforcing the provisions of this Chapter and properly identified representatives of the EPA and the Colorado Department of Public Health and Environment. Effluent data from any Industrial User whether obtained by self-monitoring, monitoring by the POTW or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

2.6 — Dilution

No IU shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The POTW may impose mass limitations on IUs who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 — Pretreatment Facilities

IUs shall provide Wastewater treatment, as necessary, to comply with this Chapter and shall achieve compliance prior to discharge to the POTW. Any facilities necessary for compliance shall be provided, operated, and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the POTW for review, and shall be acceptable to the POTW before such facilities are constructed. Acceptance by the POTW of any such facilities shall not be construed as a guarantee or agreement by the POTW that such facilities will achieve compliance with this Chapter. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities, as necessary, to produce a discharge acceptable to the POTW under the provisions of this Ordinance.

3.2 — Additional Pretreatment and Monitoring Requirements

- A. Whenever deemed necessary, the POTW may require an IU to restrict its discharge, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic waste streams from non-domestic waste streams, and impose such other conditions as may be necessary to protect the POTW and determine the IU's compliance with the requirements of this Chapter.
- B. The POTW may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.
- C. The POTW may require any person discharging into the POTW to install at the owner's or operator's own expense suitable monitoring facilities or equipment which isolates

Commented [JK6]: This is all okay if you want the POTW to review everything. Do you want to review every grease interceptor or sand trap? You might consider submittal to the Director or his designee or The City of Evans if you want engineering or building inspector review. Add a definition of Director, The City of Evans etc.

Commented [RP7R6]: Would/could POTW umbrella include engineering and building inspection? Or should we consider the changes recommended above.

Commented [RP8R6]: See 1.2 above which resolves Joe's comment above and seems to cover the full ordinance.

appropriate wastewater discharges into the wastewater system and facilitates accurate observation, sampling and measurement of discharges. The equipment shall be maintained in proper working order and kept safe and accessible without restriction to POTW personnel at all times. Where practical, the monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building.

- D. IUs with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

SECTION 4 – NOTIFICATION AND REPORTING

4.1 — Industrial User Questionnaire

If the POTW deems it necessary to assure compliance with the provisions of this Chapter, any IU of the POTW may be required to submit a Wastewater Discharge permit application, questionnaire, or other reports and notifications in a format and timeframe specified by the POTW. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User must submit documentation required by the POTW or the Pretreatment Standards to determine the compliance status of the Industrial User. Any Industrial User subject to this reporting requirement shall submit a completed report no later than thirty (30) days after receipt of the notification and appropriate forms.

4.2 — Notification of Change in Discharge

All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR section 403.12(p). Additionally, Significant Industrial Users are required to notify the POTW immediately of any changes in their facilities affecting potential for a Slug Discharge.

4.3 — Notification of Hazardous Waste Discharge

Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities in writing of any Discharge into the POTW of any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR section 261. Each Industrial User shall notify the POTW in advance of any substantial change to such discharge. The specific information required to be reported and the time frames in which it is to be reported are found at 40 CFR section 403.12(p).

Commented [JK9]: Consider defining substantial as a 10 or 20 % increase. As worded this makes them report every type of change. Do you want to know if they use a different detergent or increase their flow by several gallons? Are you ready to enforce that?

Commented [RP10R9]: The way this is worded is very vague, but how to address it without backing us into a corner.

Commented [RP11R9]: Still working on this language hopefully will have it resolved after meeting with our consultant on 2/25.

4.4 — Report of Potential Problems

- A. In the case of any discharge, including, but not limited to, spills, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug discharge or a discharge that may cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the POTW of the incident. This notification shall include:
1. Name of the facility;
 2. Location of the facility;
 3. Name of the caller;
 4. Date and time of the discharge;
 5. Date and time discharge was halted;
 6. Location of the discharge;
 7. Type of waste;
 8. Estimated volume of the discharge;
 9. Estimated concentration of pollutants in the discharge;
 10. Corrective actions taken to halt the discharge; and
 11. Method of disposal, if applicable.
- B. Within five (5) working days following such discharge, the Industrial User shall, unless waived by the POTW in writing, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

4.5 — Authorized Signature for Reports

All reports and questionnaires required to be submitted by the above provisions shall bear the signature of an Authorized Representative of the discharging entity and shall include the following certification statement as set forth in 40 CFR section 403.6(a)(2)(ii):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

SECTION 5 – RECORDKEEPING

All records (including documentation associated with BMPs) shall be retained by the user for a minimum period of three (3) years, shall be made immediately available upon request of the POTW at any time during the three (3) year period or so long as actually retained.

SECTION 6—SLUG DISCHARGE CONTROL

- A. Each Industrial User shall provide protection from accidental discharges and Slug Loads of pollutants regulated under this Chapter. Facilities to prevent the discharge of spills or Slug Loads shall be provided and maintained at the Industrial User's expense.
- B. The POTW may evaluate whether each Industrial User needs a Spill Prevention and Control Plan or other action to control spills and Slug Discharges. The POTW may require an Industrial User to develop, submit for approval, and implement a Slug/Spill Plan or take such other action that may be necessary to control spills and Slug Discharges.
- C. A Slug/Spill Plan shall include, at a minimum, the following:
 - 1. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
 - 2. Description of contents and volumes of any process tanks;
 - 3. Description of discharge practices, including non-routine batch discharges;
 - 4. Listing of stored chemicals, including location and volumes;
 - 5. Procedures for immediately notifying the POTW of any spill or Slug Discharge. It is the responsibility of the Industrial User to comply with the reporting requirements in subsection 4.
 - 6. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
 - 7. Any other information as required by the POTW.

SECTION 7—COMPLIANCE AND ENFORCEMENT

7.1 — Time for Compliance

All existing IUs must come into compliance with the terms of this Chapter within 6 months of initial inspection upon the effective date.

Commented [JK12]: Are you ready to enforce this? Maybe instead of effective date use when notified?

Commented [RP13R12]: Randy and I need to discuss and maybe a question for legal.

Commented [RP14R12]: Also going to confirm with our consultant on this language.

7.2 — Additional Information

- A. If the POTW deems it necessary to assure compliance with the provisions of this Chapter, any IU of the POTW may be required to submit a Wastewater Discharge permit application, questionnaire, or other reports and notifications in a format and timeframe specified by the POTW. These requirements may include, but are not limited to:
1. Wastewater Discharge peak rate and volume over a specified time period;
 2. Chemical analysis of wastewater;
 3. Information on raw materials, processes, and products affecting wastewater volume and quality;
 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other material important to sewer use control;
 5. A plot plan of sewers on the IU's property showing sewer and pretreatment facility locations;
 6. Details of wastewater pretreatment facilities;
 7. Details of system to prevent and control the losses of materials through spills to the POTW; and
 8. Signed certification by the authorized representative of the IU.
- B. The POTW will evaluate the data furnished by the IU and may require additional information to determine compliance with the provisions of this Chapter. The POTW may deny the request to discharge non-domestic wastewater to the POTW or allow discharge under conditions determined by the POTW to protect against Pass Through or Interference.
- C. The POTW may require IUs to install monitoring equipment as necessary, per section 3 of this ordinance. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the IU at its expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

7.3 – Right of Entry

The POTW shall have the right to enter the premises of any IU to determine whether the IU is complying with all requirements of this Chapter. IUs shall allow the POTW ready access to all parts of the premises for the purposes of inspection (including the use of digital photography to gather information), sampling, records examination and copying, and the performance of any additional duties. Denial of access shall constitute a violation of this Chapter.

SECTION 8— ADMINISTRATIVE/JUDICIAL ENFORCEMENT REMEDIES

8.1 — Notification of Violation

When the POTW finds that an IU has violated, or continues to violate, any provision of this ordinance or any other Pretreatment Standard or Requirement, the POTW may serve upon that IU a written Notice of Violation. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the IU to the City of Evans. Submission of such a plan in no way relieves the IU of liability for any violations occurring before or after receipt of the Notice of Violation. If the plan for correction submitted by the IU is not satisfactory to the City of Evans, the POTW may take further action, including potentially suspending service as provided for in subsection 8.2.

Nothing in this subsection shall limit the authority of the POTW to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

8.2 — Suspension of Service

The POTW may suspend water service and/or wastewater treatment service in order to stop an actual or threatened Discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, causes Pass Through or Interference, causes the POTW to violate any condition of its NPDES Permit, or for violations of this Chapter. Any IU notified of a suspension of the water service and/or wastewater treatment service shall immediately stop or eliminate the Discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the POTW shall take such steps as deemed necessary including immediate physical severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment.

8.3 — Administrative Order

When the POTW finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an individual wastewater Discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW may issue an order to the Industrial User responsible for the discharge directing that the Industrial User to immediately come into compliance or within a time specified by the POTW.

If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation during the time it takes the Industrial User to come into compliance.

Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User provided under the Evans Municipal Code.

8.4 — Administrative Penalty

- A. When the POTW finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an individual wastewater Discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW may fine such Industrial User in an amount not to exceed ~~\$26505,000~~ per day per violation. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average Discharge limits, fines shall be assessed for each day during the period of violation.
- B. The POTW may, in addition to fines, collect charges to pay for damage to the POTW, fines issued to the POTW, and any other costs incurred by the POTW as a result of the IU's noncompliance.
- C. A lien against the Industrial User's property shall be sought for unpaid charges, fines, and penalties.
- D. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

Commented [RP15]: This is the EPA recommended maximum for industrial pretreatment programs. Will need to work with legal on whether this should match our code for other violations.

Commented [JK16R15]: Yes. Have your attorney look. Greeley has max \$1000. Something to do with misdemeanors and the City Charter

8.5 — Judicial Enforcement Remedies

A. Injunctive Relief

When the POTW finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, and individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW may petition the Weld County District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the order, or other requirement imposed by this Chapter on activities of the Industrial User. The POTW may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

SECTION 9 — Trucked and Hauled Waste

9.1 — Hauled Wastewater

The POTW may prohibit the discharge of trucked/hauled septic tank waste, industrial waste, and RV waste to the POTW.

Trucked/Hauled waste may be discharged into the POTW only at locations designated by the POTW, and at such times established by the POTW. Such waste shall not violate Section 2 of this Chapter or any other requirements established by the POTW. The discharge of hauled waste is subject to all other requirements of this ordinance. The POTW may require the following:

1. ~~Septic tank waste haulers to obtain individual wastewater Discharge permits.~~
2. ~~The POTW may collect samples of each hauled load to ensure compliance with applicable Pretreatment Standards and Requirements.~~
3. ~~The POTW may require the industrial waste hauler to provide a waste analysis of any load prior to Discharge.~~

~~Any Person discharging Septic Tank Waste and industrial Waste must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler (individual person and company), permit number (if applicable), truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.~~

9.2 — RV Disposal Stations

~~The POTW may allow RV disposal sites in its service area if the quality or quantity of the RV waste does not impact the POTW, including the collection system. The POTW may require RV disposal sites in the service area to ensure adequate controlled access to its disposal site including locked access, sign-in records for persons discharging from the RV, record keeping by the RV disposal site, and other information, as deemed appropriate by the City of Evans.~~

Commented [RP17]: We are removing this section for now but have saved the language separately in case we want to add it back in at a later date.

Commented [JK18]: Consider permitting these

Commented [RP19R18]: Should we leave this in to leave our options open?

CITY COUNCIL AGENDA REPORT

DATE: June 15, 2021

SUBJECT: Consideration of Approval of Evans WWTP Lagoon Decommissioning & Emergency Overflow Replacement Contract

PRESENTED BY: James L. Becklenberg, City Manager

Randy Ready, Assistant City Manager

Robby Porsch, Wastewater Superintendent

Mark Oberschmidt, P.E., City Engineer

ITEM DESCRIPTION:

CDPHE requires that all non-functioning wastewater treatment plants (WWTPs) like the old Evans lagoons at 37th Street and 1st Avenue be decommissioned when they are no longer in use. This work is necessary for the following reasons:

- Even though the City has not used this site for wastewater treatment since 2018, it is still covered under an active Colorado Department of Public Health and Environment (CDPHE) discharge permit. Decommissioning is required to close out the permit and terminate the licensing cost and reporting requirement.
- The City's preferred approach to mitigating storm drainage concerns on the east side of Evans involves piping across the WWTP site to an existing outfall east of 1st Avenue. Decommissioning the facility will make the land available for alternate uses, including this new storm drainage pipeline. Crossing the site through what is now the northern lagoon will eliminate several hundred feet of costly concrete piping.
- The current emergency overflow pond for the lift station is constrained by the elevations of nearby domestic sewage connections into the system. These elevations limit the overflow pond's design intent to allow gravity inflow and then discharge back into the lift station. The existing overflow also suffers from the uplift effects of high ground water at the site. The City currently has to keep water within the overflow pond to act as ballast to keep the liner from tearing away. Keeping this storage water ballast in the overflow pond effectively reduces the storage capacity below what it should be for the lift station.

Decommissioning of the facility opens the property up for repurposing/redevelopment for other uses.

The City has received construction contract bids from six (6) contractors to decommission the former Evans Wastewater Treatment Plant (WWTP) located at 3323 1st Avenue. The proposed work includes:

- Loading and transport of remaining biosolids from the two (2) northern lagoon cells to an off-site CDPHE-approved disposal facility
-

-
- Structure demolition of three small structures plus infill of the former chlorination contact chamber.
 - Regrading embankments on the northern, eastern, and interior of the lagoon cells
 - General fill within the lagoons to prevent onside ponding within the former treatment cells.
 - Replacing the plastic (HDPE) lined emergency overflow storage basin for the City's primary lift station with a flood-proofed concrete basin that will contain the full overflow design capacity of 200,000 gallons without adverse impact from groundwater.
 - CDPHE has approved the City's intended manner of removing the biosolids and former liner(s) from the lagoons to grant a "clean closure," with minimal covenants that would preclude future development or repurposing of the property. Staff anticipates a minimal covenant attached to the sites of the two southeastern buildings and chlorination chamber. However, this area of the site will be used for Wastewater Operations' Vac-Truck access to the lift station and new overflow storage facility.
-

FINANCIAL SUMMARY:

The 2021 Wastewater Fund Capital Budget includes \$2,250,000 for construction activities related to closing and grading the former lagoons and the construction of a 200,000-gallon capacity emergency storage facility to support the City's lift station in case of a complete loss of power.

The City received six (6) construction contract proposals in response to a Request for Bids that range from a low of \$2,024,602 to a high of \$4,509,400. Staff is recommending award to the low bidder, L4 Construction with a \$2,024,602 bid.

The Bids received are summarized below and on the attached bid summary tab.

- L4 Construction \$2,024,602.00
- DeFalco Construction \$2,710,926.89
- Siete Inc. \$2,710,926.89
- Meridiam Partners \$3,050,811.99
- Warbonnet Construction \$4,349,946.21
- Mountain Constructors \$4,509,400.00

Additional necessary expenses directly related to construction activities include:

- Xcel Energy – removing existing electrical service materials and equipment: \$5,776.17
- Clean Harbors – removal and disposal of stored chemicals from the former WWTP: \$1,746.61
- Bronco Environmental Construction Support – Soils testing for "Clean Closure": \$43,640
- Lithos Engineering – Construction Support – Helical Piles and Reinforced Concrete Observation and Inspection: \$17,092

Offsetting these expenses, the City has received authorization to draw on the remaining WWTP State Revolving Fund (SRF) loan funds to help offset costs for the soils testing and closure reporting in the amount of \$27,936.42.

- Total Funds Available (City + SRF): \$2,277,936.42
 - Total Anticipated Expenses: \$2,092,856.78
 - Amount available for construction contingency: \$185,079.64
-

RECOMMENDATION:

Staff has found the low bid (L4 Environmental) to be compliant with SRF bid proposal requirements (DBE/WBE goals, commitment to American Iron & Steel, etc.).

L4 Environmental is about to complete the City construction contract for the grading and pump station work related to the Tuscany Non-Potable system. L4 Environmental has been responsive to staff comments and direction during the Tuscany Non-Potable project and has been very reasonable and professional to work with in delivering a high-quality project.

CDPHE staff in the SRF funding administration office has reviewed the winning proposal and has authorized the City to proceed with contract award and construction activities.

Staff recommends that City Council award the construction contract for the Evans WWTP Lagoon Decommissioning and Lift Station Replacement project to L4 Environmental in the amount of \$2,024,602.00 with a 9.14% contingency of \$185,079.64 (remaining budget) to be accessed only with City Manager approval to handle unforeseen circumstances that may occur during construction.

SUGGESTED MOTIONS:

"I move to award the Evans WWTP Lagoon Decommissioning and Lift Station Replacement project contract to L4 Environmental in the amount of \$2,024,602 with a not-to-exceed amount of \$2,209,681.64, and to authorize the Mayor's signature on the contract."

"I move to deny award of the Evans WWTP Lagoon Decommissioning and Lift Station Replacement project contract."

ATTACHMENTS:

- Bid Summary
- Contract

CITY COUNCIL WORK SESSION

AGENDA REPORT

DATE: June 15, 2021
SUBJECT: Objectives and Timing of Utility Rate and Impact Fee Studies
PRESENTED BY: James L. Becklenberg, City Manager
Jacque Troudt, CPA, Finance Director

ITEM DESCRIPTION:

The City has an obligation to ensure that its utility rates and impact fees are adequate to support ongoing operations (in the case of utility rates), adequate to fund long-term capital needs precipitated by development (in the case of development impact fees) and proportional to the impacts and demands of fee payers. The 2020 annual work plan included studies to update several of these rates for current plans and conditions. The purpose of this work session is to provide Council with an update on the approach for each of them, given consideration of optimum timing and sequence with other planning processes underway, with the goal of optimizing the City's investment in each study.

The City last completed an impact fee study in 2015, which reviewed impact fees for the following: park and recreational facilities and trails, police, fire/rescue, transportation, and wastewater. Some of the data used to establish or update fees at this time included growth projections, planned capital needs, cost inflation factors, and calls for service for police and fire. Impact fees are one-time payments used to construct system improvements needed to accommodate new development, and impact fees must satisfy three key elements of need, benefit, and proportionality.

Many growth factors and cost assumptions have changed from the data used in 2015, and many plans for future capital needs to manage growth are under study at this time. In an effort to update the fees that have known inputs and large changes from the 2015 study, staff is recommending a review be completed on those, while other fee studies wait until necessary information is available.

Impact fee studies

Police: The police impact fee has the largest potential to change based on Council's recent direction to pursue the design and construction of a new police facility. This review would consist of the following objectives:

- Update fees for growth and land use assumptions, capital cost projections, and service level needs.
 - Ensure new development pays appropriate share of future police facility.
 - Evaluation of cost alternatives to determine basis most beneficial for the City.
 - Conduct funding and cash flow analysis.
-

Transportation: This fee would ideally be reviewed once the transportation master plan and arterial road model is complete.

Parks and recreation facilities and trails: This plan is heavily reliant upon capital costs and the long-term plan for future park and recreation amenities and City trail system. The study would best be completed once this direction has been solidified through the update Master plan.

Utility rate studies

Wastewater: An update to a 10-year financial plan for the Wastewater fund is currently underway to explore financing options for wastewater expansion needs. The system development fees are presently being reviewed to ensure upcoming growth pays a proportional share of future treatment capacity needs. Staff recommends reviewing the wastewater user fees at this time with the following objectives:

- Development of a 10-year financial plan and user charges which sustain the long-term financial health of the utility.
- Rate revenues and other operating income sufficient to meet annual operating expenses, debt service, and capital expenditures.
- Funding capital projects with an appropriate combination of rate revenue and development fees that minimize impact to customers.
- Maintain reserve levels in accordance with industry best practices.
- Rate structure options that equitably distribute costs among customer classes, including potential addition of multi-family rate structure and evaluation of base and water consumption factors.

Water: A review of water rates will best be achieved once long-term capital costs and water treatment options are identified. The assumptions to be included in water rates will be dependent upon a successful water conservation plan implementation, and recommendations from the utility feasibility study and water demand analysis. These plans are currently underway and as results are obtained, the resulting data will allow staff to proceed with a review of the water fees.

Storm Drainage: Staff completed an update of the Storm Drainage fee structure late in 2019 which established an equitable billing structure for a refined utility with increased capital construction. The current rate structure was selected based on recommendation to improve the proportionate share of cost for rate payers and based on methodology that was easy to understand and implement. Further development of the Storm rates will require additional GIS information to evaluate costs relative to an impervious surface factor to gauge relative impact on the system. This level of information is not currently available, and staff recommendation is to wait until after a first wave of major growth is realized to complete a new fly-over to obtain additional GIS layers of information to assist in this review. This process can be quite costly and time consuming, and the timing should be carefully selected.

In summary, staff recommends moving forward with the Police impact fee and the wastewater utility rate study at this time and linking the others to the forthcoming results of other planning processes underway.

FINANCIAL SUMMARY:

The cost of updating the fees will be paid for by the respective utility fund and impact fee funds, to be included in the budget at an upcoming budget revision request.

REQUESTING FROM CITY COUNCIL:

Direction on policy goals for the review of the police impact fee and wastewater utility rates and direction to proceed with the others when the results of current planning processes are complete.

ATTACHMENTS:

N/A